

2 NINETY-EIGHTH LEGISLATURE
3 FIRST SESSION
4 LEGISLATIVE RESOLUTION 88

5 Introduced by Kremer, 34

6 PURPOSE: On June 25, 2001, the United States Supreme Court ruled
7 in USDA v. United Foods that mandatory assessments under the
8 federal Mushroom Promotion, Research, and Consumer Information Act
9 of 1990 violated first amendment protections of certain mushroom
10 producers. Similar first amendment challenges to other federal
11 commodity promotion programs are currently being litigated in other
12 federal court venues. The purpose of this study is to examine the
13 implications of USDA v. United Foods and progeny federal court
14 decisions for state commodity promotion programs funded through
15 checkoff assessments against producers.

16 NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE
17 NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

18 1. That the Agriculture Committee of the Legislature
19 shall be designated to conduct an interim study to carry out the
20 purposes of this resolution.

21 2. That the committee shall upon the conclusion of its
22 study make a report of its findings, together with its
23 recommendations, to the Legislative Council or Legislature.